

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-9 are pending in this application, of which claims 7-9 are withdrawn from consideration. By this Amendment, claim 1 is amended.

Notwithstanding the indication that claims 2-6 contain allowable subject matter, Applicants respectfully traverse the rejection of claim 1 under 35 U.S.C. 103(a) over Muhonen (US 6,956,832) in view of the Smith (US 6,167,127) based upon the foregoing amendment and the following remarks.

Claim 1 is amended to more clearly recite a unique message allocating step, wherein the unique message identifier distinguishes paid contents from free contents. More specifically, claim 1 is amended to recite: “a) allocating a unique message identifier to a multimedia message transmitted from an originating mobile station, and storing the unique message identifier with the transmitted multimedia message ... wherein the unique message identifier allocated and stored at step a) distinguishes paid contents from free contents,” (emphasis added).

The Patent and Trademark Office (PTO) admits that Muhonen fails to explicitly teach wherein the multimedia message stored in the mobile station includes a unique message identifier, and relies on Smith to remedy the deficiencies of Muhonen. Applicants respectfully disagree and submit that although Smith may disclose a unique identifier, the identifier disclosed by Smith is unrelated to the identifier as recited by Applicants.

Smith relates to a telephone system that stores spoken messages in a storage device and associates the messages with a unique identifier, or to access a selected stored message using its unique identifier and replay it over the telephone line to a remote party. Applicants respectfully submit that the claimed identifier that distinguishes paid contents from free contents is totally unrelated and distinguishes over the identifier of Smith that appears to only function a key index into the stored messages. Indeed unlike Smith’s unique identifier that must be associated with only one message, (so as to uniquely identify the message), the claimed message identifier distinguishes paid contents from free contents and is not unique to a particular message. In other

words, all multimedia content that is free is associated with a same identifier, and all free content is associated with another identifier that identifies that content as free.

Applicants respectfully submit that neither Muhonen nor Smith discloses, teaches, or suggests, wherein the unique message identifier allocated and stored at step a) distinguishes paid contents from free contents. Accordingly, claim 1 is allowable over the asserted combination of Muhonen and Smith and withdrawal the rejection is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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